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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,259	05/25/2001	James Ching-Shau Yik	24252	5515
24932 7590 04/10/2007 LAUBSCHER & LAUBSCHER, P.C. 1160 SPA ROAD SUITE 2B ANNAPOLIS, MD 21403			EXAMINER TOLENTINO, RODERICK	
			ART UNIT 2134	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,259	<b>Applicant(s)</b> YIK ET AL.	
	<b>Examiner</b> Roderick Tolentino	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/17/2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1 – 14 are pending.

### *Response to Arguments*

Applicant's arguments with respect to claims 1, 3, 4, 5, 6, 7, 10 and 13 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 – 7 and 10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable by Badger et al.'s paper Digital Signature Protection of the OSPF Routing Protocol in view of Anderson et al. U.S. PG-Publication No. (2003/0014665).

4. As per claims 1, 3, 4, 5, 6, 7, 10 and 13, Badger discloses a plurality of communications ports, a switching database having a plurality of switching entries, each one of the plurality of switching entries specifying an association between a data network node identifier and a communications port (Badger, Section 4.3 Paragraphs 3 – 5, plurality of authenticated routers using headers in packets to identify which packets allowed to use authenticated paths), a plurality of switching entry protection flags, each

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one of the plurality of switching entry protection flags being associated with a switching entry and (Badger, Section 4.3 Paragraphs 3 – 5, authenticated routers are protected routers and would inherently have flags or identifiers saying that the router is in face authenticated or not), but fails to teach a controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments. However, in an analogous art Anderson teaches a controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments (Anderson, Paragraph 0026, updates routers when attacked).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Anderson's apparatus for secure automated response to distributed DOS attacks Badger's digital signature protection because it offers the advantage of quick and automated response upon the detection of an attack (Anderson, Paragraph 0025).

5. As per claim 11, Badger teaches the unknown destination data traffic, the method further comprises a step of suppressing the replications of the data traffic to the source communications port (Badger, Section 4.3 Paragraphs 3 – 5).

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6. As per claim 12, Badger discloses suppressing the replication of the data traffic to communications ports having the associated unknown destination flood control bit set (Badger, Section 4.3 Paragraphs 3 – 5).

7. As per claim 14, Badger discloses a step of suppressing the replication of the data traffic to the source communications port (Badger, Section 4.3 Paragraphs 3 – 5).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Badger et al.'s paper Digital Signature Protection of the OSPF Routing Protocol and Anderson et al. U.S. PG-Publication No. (2003/0014665), and in further view of Civanlar et al. U.S. Patent No. (5,996,021).

9. As per claim 2, Badger fails to teach the communication ports are represented in the switching entries via port identifiers. However, in an analogous art Civanlar teaches the communication ports are represented in the switching entries via port identifiers (Civanlar, Col. 9 Lines 6 – 26).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Civanlar's Internet protocol relay network with Badger's digital signature protection because it offers the advantage of PORT ID fields having local significance depending on the particular IPRR and the destination of the IP Packet (Civanlar, Col. 9 Lines 6 – 26).

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10. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Badger et al.'s paper Digital Signature Protection of the OSPF Routing Protocol Anderson et al. U.S. PG-Publication No. (2003/0014665), and in further view of Lubarsky et al. U.S. Patent No. (4,893,340).

11. As per claim 8, Badger fails to teach the topology discovery disable flag is associated with the source communications port. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with the source communications port (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital network with Badger's digital signature protection because it offers the advantage of proper routing of information in a system.

12. As per claim 9, Badger fails to teach the topology discovery disable flag is associated with all physical communications ports of the data switching node. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with all physical communications ports of the data switching node (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital network with Badger's digital signature protection because it offers the advantage of proper routing of information in a system.

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**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Roderick Tolentino

  
KAMBIZ ZAND  
PRIMARY EXAMINER